

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

986 WRIT PETITION NO. 2923 OF 2021

GANESHKUMAR SURYABHAN SUDRIK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Abhijit S. More
AGP for Respondent Nos. 1 and 2 : Mr. S.K. Tambe
Advocate for Respondent No. 3 : Mr. Vivekanand Deshmukh

...
CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.

DATE : 01st DECEMBER, 2021

PER COURT :-

The learned Advocate for the petitioner submits that the Government Resolutions, as referred in the impugned order seeking approval to the appointment, are superseded by the Government Resolution dated 28th January, 2019. The respondents ought to have considered the Government Resolution dated 28th January, 2019 while considering the proposal for approval to the appointment of petitioner.

2. The learned AGP submits that in addition to the grounds mentioned in the order, the Management has not sought permission for advertisement and also selection procedure is not followed.

3. It appears from the record that the Management had filed an application dated 1st July, 2016, however, we do not find any endorsement of respondent on the said application. It is for the respondents to verify. The respondents will have to consider the Government Resolution dated 28th January, 2019, while considering the proposal seeking approval to the appointment of the petitioner.

4. In the light of above, the impugned order is set aside. The Education Officer shall re-consider the proposal of the petitioner seeking

approval to his appointment as Junior Clerk and take decision afresh as expeditiously as possible and preferably within a period of six months in accordance with law and policy. No costs.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk